

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 06-20234-04

v.

Hon. John Corbett O'Meara

DURELL MATTHEWS,

Defendant.

ORDER DENYING IN PART DEFENDANT'S SECOND EMERGENCY MOTION

Before the court is defendant's second emergency motion for extension to delay trial pending the completion of a competency hearing and evaluation of the defendant's medical and psychological state, filed May 27, 2008. The government filed a response on May 29, 2008.

On April 09, 2008, the court entered an amended order for competency evaluation directing among other things that the defendant be committed to the custody of the United States Bureau of Prisons for the purpose of conducting a neurological and psychiatric examination to determine the defendant's mental competency. Soon after, the court received a letter dated April 11, 2008, from the Federal Bureau of Prisons indicating that due to budget, time constraints, staffing and other reasons, it would be very difficult for them to provide an evaluation of the defendant by a psychiatrist. The letter stated that the Bureau routinely utilizes forensic psychologists to complete court ordered mental health studies and asked for the court's approval.

Defendant is now requesting an extension of the court's April 09, 2008, order to allow for an evaluation of the Defendant by a psychiatrist. The court having reviewed defendant's motion and the government's response, and being fully advised;

IT IS HEREBY ORDERED that defendant's motion requesting an extension of the trial, and to have an examination by a psychiatrist is DENIED in part. The court will enter an order amending its April 09, 2008 order, and direct the defendant to be examined by a forensic psychologist.

s/John Corbett O'Meara
United States District Judge

Date: June 12, 2008

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, June 12, 2008, by electronic and/or ordinary mail.

s/William Barkholz
Case Manager